

The opinion in support of the decision being entered today was **not** written for publication and is **not** binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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**Ex parte** JAMES PHILLIP O'REILLY

\_\_\_\_\_  
Application No. 09/761,041



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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was electronically received at the Board of Patent Appeals and Interferences on June 9, 2006. A review of the application has determined that the application is not ready for docketing as an appeal. Accordingly, the application is herewith returned to the Examiner. The matter requiring attention prior to docketing is identified below:

On September 29, 2003, the USPTO received an Appeal Brief filed by Appellant under the rules set forth in 37 CFR § 1.192(c). The following deficiencies require immediate attention and correction:

The brief lacks two required sections:

**"Status of Amendments,"** as set forth in 37 CFR  
§ 1.192(c)(1)(iv); and

**"Summary of the Invention,"** as set forth in 37 CFR  
§ 1.192(c)(1)(v).

Correction is required.


Accordingly, it is

**ORDERED** that the application is returned to the  
Examiner

(1) to have the Appellant submit a Supplemental Appeal  
Brief in compliance with the rules as set forth in 37 CFR §  
1.192(c) correcting the noted deficiencies above; and

(2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

A handwritten signature in black ink, appearing to read 'Dale M. Shaw', is written over a horizontal line.

DALE M. SHAW  
Deputy Chief Appeal Administrator  
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Application No. 09/761,041

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DMS/hh